IN THE

Supreme Court of the United States

OCTOBER TERM, 1951.

No. 313.

THEODORE D. LEWIS, *Petitioner,*

v.

UNITED STATES OF AMERICA, *Respondent.*

PETITION FOR REHEARING ON A PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

To the Honorable Chief Justice, and the Associate Justices of the Supreme Court of the United States:

Comes now the petitioner and presents this petition for a rehearing on the petition for a Writ of Certiorari filed in this case.

JURISDICTION.

The petition for certiorari was filed on September 11, 1951 and denied on November 5, 1951. This petition for rehearing is filed within fifteen days from November 5, 1951, in accordance with Rule 33 of this Court.

REASONS FOR PETITION FOR REHEARING.

In applying for this rehearing your petitioner reiterates each and every ground set forth in the original petition, and further suggests to the Court that, pursuant to Rule 33 and following the precedent established by this Court in *Schriber-Schroth Co.* v. *Cleveland Trust Co.*, 305 U. S. 47, 50, other substantial grounds available to the petitioner, although not previously presented, exist for the allowance of the Writ.

1. The Government in its brief in opposition to the granting of the petition for certiorari has asserted that the statute authorizing the Policemen and Firemen's Relief Fund, District of Columbia, is limited in its operation to the District of Columbia. From this it has been contended that because this Court usually refuses to review a decision of the United States Court of Appeals for the District of Columbia Circuit interpreting a statute so limited in its operation, the petition should be denied.

2. The statute in question has not been so limited since the enactment of Public Law 447, 80th Congress, 2nd Session, approved March 17, 1948. This statute extended the jurisdiction of the United States Park Police beyond the confines of the District of Columbia, to the environs of the District, embracing by definition Arlington and Fairfax Counties and the city of Alexandria in Virginia, and Prince Georges, Anne Arundel, and Montgomery Counties in Maryland, thereby placing approximately 30,000 acres of land outside the boundaries of the District of Columbia, and in two different States, under the jurisdiction of the said Park Police.

3. Since United States Park Policemen may be detailed to any locality over which the Park Police exercise jurisdiction it is possible for a case similar to the instant one to be contested in either Maryland or Virginia. If so contested there would undoubtedly be a conflict of decision because of the readily apparent conflict between the de-

cisions in the instant case and the *Wham* case in this Circuit.

4. But inasmuch as the Metropolitan Police, who *are* restricted to the District of Columbia, constitute the overwhelming majority of possible claimants under the Fund, it is improbable that any case involving the questions in the instant case will ever arise in either Virginia or Maryland.

5. It is submitted therefore that the determination of the questions of (1) whether the Relief Fund is a system of compensation within the meaning of that term as used in *Feres* v. *United States,* and (2) whether the Fund, if held to be a compensation system, is a federal system within the principle as expressed in *Feres* v. *United States, Wham* v. *United States,* and the instant case is of sufficient importance to warrant review of the instant decision and final determination of these questions by this Court.

CONCLUSION.

For the foregoing reasons, the petitioner respectfully urges that a rehearing be granted; that upon further consideration that the Order of November 5, 1951 denying the petition for certiorari be revoked, and that said Writ issue.

OTIS BEALL KENT,
Attorney for Petitioner.

I, OTIS BEALL KENT, of Counsel for the petitioner, Theodore D. Lewis, do hereby certify that the foregoing petition for rehearing of this cause is presented in good faith and not for the purpose of delay and that such petition for rehearing is confined to substantial grounds not previously presented to the Court.

OTIS BEALL KENT.